

PO ☐ 0864 3 6406
 Misd. ☐ Disposition
 Felony ☒ District Off Judge/Magistr.

MEIROVITZ, SHERMAN RAY

12/21/88 00111 01
 No. of Def's 1 U.S. MAG. CASE NO 88-127

I. CHARGES

U.S. TITLE/SECTION OFFENSES CHARGED ORIGINAL COUNTS
 21:841(a)(1), 841 Knowingly & intentionally attempt to possess w/intent to distribute 1
 (b)(1)(A) & 846 cocaine - Ct 1
 21:841(b)(1)(A) & Knowingly & intentionally conspire to distribute & to possess w/intent 1
 846 to distribute cocaine- Ct 2

OLD & NEW GUIDELINES

CLOSED

II. KEY DATE

INTERVAL ONE KEY DATE 12/01/88 EARLIEST OF
 END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL) KEY DATE 12/27/88
 SUPERSEDING COUNTS KEY DATE 9-12-89
 1st appears with or waives counsel ARRAIGNMENT 1st Trial Ended 2nd Trial Began
 RE-TRIAL DISPOSITION DATE 9-14-89 SENTENCE DATE 01-05-90
 FINAL CHARGES DISMISSED

III. MAGISTRATE
 Search Warrant Issued Return
 Summons Issued Served
 Arrest Warrant Issued 12/1/88 JEC 64AM
 COMPLAINT 12/1/88 JEC 64AM
 Date of Arrest 12/2/88 OFFENSE (In Complaint) 21 U.S.C. §841(a)(1) - Narcotics
 PRELIMINARY EXAMINATION OR REMOVAL HEARING
 INITIAL APPEARANCE DATE 12/2/88 JEC 64AM
 Date Scheduled 12/12/88 JEC 64AM
 Date Held 12/12/88 JEC 64AM
 OUTCOME: X HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
 HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW

Show last names and suffix numbers of other defendants on same indictment/information:
 Assigned to Judge Devitt per CR L#281

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

ATTORNEYS
 U.S. Attorney or Asst. David J. MacLaughlin
 Elizabeth de la Vega (734442)
 Defense: 1 ☐ CJA. 2 ☐ Ret. 3 ☐ Waived. 4 ☐ Self. 5 ☐ Non / Other. 6 ☐ PD. 7 ☐ CD
 Marc Kunzman
 2404 Stevens Avenue South
 Minneapolis, MN 55404
 871-9004
 No counsel as of 12/27/88
 Mark W. Peterson (86125)
 608 Second Avenue South, Rm 250
 Minneapolis, Mn 55402
 (612) 338-2500

Reg. No 03831-041
 Pro Se: Sherman Ray Meirovitz
 USP - Hazelton
 U.S. Penitentiary
 B.O. Box 2000
 Bruceton Mills, WV 26525

No Bond

FINE AND RESTITUTION PAYMENTS
 DATE RECEIPT NUMBER C.D. NUMBER
 Docket Entries Begin On Reverse Side

RULE 20 21 40 In Out
 BAIL • RELEASE
 PRE-INDICTMENT
 Release Date
 Bail Denied Fugitive
 AMOUNT SET PSA
 Date Set 10% Dep.
 Bail Not Made Surety Bn
 Date Bond Made Collateral
 3rd Prty
 Other
 POST-INDICTMENT
 Release Date
 Bail Denied Fugitive
 AMOUNT SET PSA
 Date Set 10% Dep.
 Bail Not Made Surety Bn
 Date Bond Made Collateral
 3rd Prty
 Other

SCANNED

JAN 20 2009

U.S. DISTRICT COURT ST. PAUL

DATE		388		CASE 3:88-cr-00111-DSD Document 61 Filed 01/20/09 Page 2 of 6		EXEMPT FROM PAYABLE DELAY	
DOCUMENT NO.		MASTER DOCKET - MULTIPLE DEFENDANT CASE		PAGE 2 OF 6		Ltr. Code	
		PROCEEDINGS DOCKET FOR SINGLE DEFENDANT				Total Days	
<p>(OPTIONAL) Show last names of defendants</p> <p style="text-align: center;">V. PROCEEDINGS</p> <p style="text-align: center;">Sherman Ray Meirovitz (Devitt)</p>							
12/01/88	A	COMPLAINT w/attached affidavit of Joel Brillhart. Warrant issued.				Start	POSIRS
	B	Warrant ret'd exec 12/01/88				Start	LC SIRS
	C	MINUTES (JEC) INITIAL APPEAR ON COMPLAINT: Prelim hrg & det. hrg set for 12/5/88 @ 9 a.m. Deft detained.				Start	PI SIRS
	D	ORDER (JEC) OF TEMPORARY DETENTION					
12/09/88	E	Unsigned affidavit of Shannon Meirovitz - Re: Release					
	F	Deft's motion for return of certain seized monies.				12/9/88	E SIRS
	G	Deft's motion for setting of bail/conditions of release				12-21-88	SIRS
	H	Letter's - Re: Release					
12/12/88	I	MINUTES (JEC/tape) Prelim & det. hrg: B.O.D.C. Detention Ordered					
	J	ORDER (JEC) OF DETENTION PENDING TRIAL					
12/21/88	1	INDICMENT (EJD/Catherine Fahy) Cont'd from JEC 88-127. No Bond Offense dates: Ct 1 - 11/30/88, Ct 2 - 12/86 to 11/88 2 pgs				Start	P2 SIRS
12/27/88	2	MINUTES (JMS/Colleen Koop) INITIAL APPEAR ON INDICT: Deft appeared w/o counsel. Deft stated he has hired Mark Peterson to represent him. Deft informed of his rights per Miranda. Arraign 01/03/89 @ 9 a.m. Deft ret'd to custody of USM. Detent. order in effect.					
12/27/88	3	Letter's - Re: Release					
01/03/89	4	MINUTES (JMS/tape) ARRAIGN: Reading waived. Plea of not guilty entered. Motions due 01/27/89; heard 02/06/89 @ 9 a.m.; status conf. 02/24/89 @ 9:30 a.m.; trial 02/27/89 @ 2 p.m. Ret'd to custody of USM.					
	5	ORDER (JMS) same as docket #4 above. (cc:attys) dd 2 pgs					
01/26/89	6	Deft's motion to suppress evidence				01/26/89	E SIRS
02/06/89	7	MINUTES (EJD/BT) Motion to suppress - denied. Gov't exhibits ret'd. Status conf 3/9/89 @ 9 a.m. Trial 3/13/89 @ 2 p.m. (dd)				02/06/89	
	8	ORDER (EJD) that deft's motion to suppress statements & evidence is DENIED. (cc:attys) dd 1 pg					
02/28/89	9	STIPULATION & ORDER (EJD) that the trial is cont'd to 4/24/89. (cc:attys) dd 1pg [Under 183341(h)]				3-13-89	T
cont'd to page 3							

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LETTER CODES

For identifying periods of excluded delay per 18 USC 3161 (h) (Sections in brackets)

A. Exam or hearing for mental/physical incapacity (18 USC 4244) (1) (A)

B. NARA exam (18 USC 2902) (1) (B)

C. State/Fed proceedings on other charges (1) (C)

D. Introductory appeal (1) (D)

E. Pretrial motion (from filing to hearing or to other prompt disposition) (1) (E)

F. Transfer from other district per FRCP 20.21 or 40 or Mag Rule 6a (1) (F)

G. Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed (1) (G)

H. Misc. proceedings: arraignment, parole, probation, revocation, Deportation, extradition (1) (H)

I. Deferral of prosecution (per 28 USC 2902) (1) (I)

J. Transportation from another district or to/from examination or hospitalization in 10 days or less (1) (J)

K. Consideration by Court of proposed plea agreement (1) (K)

L. Prosecution deferred by mutual agreement (2) (L)

M. Unavailability of defendant or essential witness (3) (A, B)

N. Period of mental/physical incompetence of def. to stand trial (4) (N)

O. Period of NARA commitment/treatment (15) (O)

P. Superseding indictment and/or new charges (16) (P)

R. Def. awaiting trial of co-defendant & no severance has been granted (17) (R)

T. Continuances granted per (h)(8) use "T" alone if more than one of the following reasons (T1 thru T4) is given in support of continuance (18) (A, B)

T1. Failure to continue would stop further proceedings or result in miscarriage of justice (18) (B, i)

T2. Case unusual or complex (18) (B, ii)

T3. Indictment following arrest can't be filed in 30 days (18) (B, vi)

T4. Continuance granted to obtain or substitute counsel, or give reasonable time to prepare (18) (B, vii)

U. Time up to withdrawal guilty plea, 3161(i)

W. Grand Jury indictment time extended 30 more days, 3161 (b)

Sherman Ray Meirovitz (Devitt)

3 88 00111 (1)

AO 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
03/13/89	10) TRANSCRIPT of motion hrg b/4 EJD on 2/6/89. [SEPARATE]	dd			
04/05/89	11) Stipulation & ORDER (EJD 4/4/89) that the trial is cont'd to 5/22/89 under 3161(h). (cc:attys) dd				
04/25/89	12) Deft's motion for temporary release. (dd)				
05/01/89	13) MINUTES (EJD/BT) Deft's motion for modification of bond is denied. (dd)				
05/04/89	14) STIPULATION & ORDER (EJD) Continuance pursuant to 18:3161(h). (cc:attys) dd 1 pg				
05/31/89	15) Waiver of Speedy Trial				
	16) STIPULATION & ORDER (EJD) that jury trial is cont'd to 2 p.m. b/4 EJD on 09/11/89 under 18:3161(h). (cc:attys) dd				
07/13/89	17) Deft's second motion for temporary release & request for hearing. (dd)			ruled on	#19
07/27/89	18) Deft's motion to con't trial date. (dd)				E
08/14/89	19) ORDER (EJD 8/11/89) DENYING: deft's motion for temporary release. (cc:attys) dd				
08/24/89	20) Deft's motion for trial continuance. (dd)				
08/25/89	21) ORDER (EJD) that deft's motion for a continuance of trial is DENIED. (cc:attys) 1 pg dd				
09/11/89	22) INFORMATION PURSUANT TO 21:851				
09/12/89	23) MINUTES (EJD/BT) <u>1st day of jury trial</u> : Jurors impaneled & sworn. Opening statements by gov't. Opening statements waived by deft counsel.	Stop			SIRS P2
	24) JURY PANEL RECORD				
09/13/89	25) MINUTES (EJD/BT) <u>2nd day of jury trial</u> Gov't rests.				
09/14/89	26) MINUTES (EJD/BT) <u>3rd day of jury trial</u> : Deft rests. Gov't presents closing arguments, deft presents closing arguments, gov't presents rebuttal arguments, gov't rests on rebuttal. Court instructs jury as to the law. Marshal is sworn. Jury begins deliberations @ 12:30 p.m. Verdict of guilty on cts 1 & 2 ret'd @ 3:15 p.m. Jurors polled & all concur. PSI ordered. Deft ret'd to custody of USM. Gov't exhibits ret'd to counsel. Deft exhibits attached to exhibit list, docket entry # 29.				
cont'd to page 4					

Interval (per Section II) Start Date End Date Ltr. Total Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

Sherman Ray Meirovitch

(Devitt)

CR 3-88-111

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
09/14/89	27) Jury Question #1. 28) VERDICT - Guilty on Cts 1 & 2 29) Deft's Exhibit List w/attached exhibits 30) Gov't Exhibit List 31) Jury Instructions 32) Court Exhibits		START 300	P4 GVE	SIRS
10/25/89	33) Deft's Motion/Application to proceed IFP RE: Trial Transcripts.				
12/12/89	34) Position of gov't w/respect to sentencing factors. (dd)				
12/19/89	35) Position of deft w/respect to sentencing factors. (dd)				
	36) Deft's motion for leave to proceed IFP on appeal. (dd)				granted see minutes #37
01/05/90	37) MINUTES (EJD/BT) SENTENCING: Custody of BOP for life w/o release as to ct 1. Life w/o release as to ct 2, sentences on ct 1 & 2 to be served concurrently. Deft's motion for counsel appt'd is granted. Mark Peterson appt'd for appeal purposes. 38) JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT - copies dist'd by Lowell/Suzanee 2 pgs 39) Report of Statement of Reason for Imposing Sentence copies dist'd by Lowell/Suzanne 1 pg		closed 1/5/90		
01/09/90	40) NOTICE OF APPEAL by deft from Judgment entered on 01/05/90. (dd)		90-5017		
01/30/90	41) TRANSCRIPT of Trial b/4 EJD on 12/12/89 VOL I. SEPARATE 42) TRANSCRIPT of Trial b/4 EJD on 12/13/89 VOL II SEPARATE 43) TRANSCRIPT of Trial b/4 EJD on 12/14/90 VOL III SEPARATE 44) TRANSCRIPT of Sentencing b/4 EJD on 01/05/90 SEPARATE				
02/09/90	45) CJA-24, payable to Bruce Tiffany in the amt of \$986.				

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Interval
(per Section II)

Start Date
End Date

Ltr. Total
Code Days

AO 256A

Sherman Ray Meirovitz

(Devitt)

3

88

00111

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Yr.

Docket No.

Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	MANDATE: 90-5017 MN				
02/19/91	46) CERT/COPY OF OPINION OF THE U.S.C.A. (Gibson, Heaney & Magill) AFFIRMING THE CONVICTION & SENTENCE.				
	47) CERT/COPY OF JUDGMENT OF THE U.S.C.A. (11/21/90) JUDGMENT OF THE DIST COURT IN THIS CAUSE IS AFFIRMED IN ACCORDANCE W/THE OPINION OF THIS COURT. (copies dist'd)				
02/27/91	48) Deft's pro se request for copy of docket sheet in forma pauperis. (docket sheet is 5 pgs) IFP previously granted - Docket sheet mailed 2/28/91	dd			
03/08/91	49) Deft's request for copies of: Grand Jury Transcript Prelim Hrg Transcript Indictment NOTE: Copy of indictment mailed to deft on 03/08/91 (dd)				
05/21/91	50) Notice of filing Petition for Certiorari - 1 pg				
06/03/91	51) ORDER (EJD 05/31/91) that deft's motion for transcripts at no cost is DENIED w/o prejudice. (cc:deft & AUSA) 1 pg				
11/12/91	52) Order denying petition for Writ of Certiorari. 1 pg				
11/7/05	*** Case reassigned to Judge David S. Doty from the Judge Rotation down list.				
11/7/05	53) PRO SE MOTION for Relief from Illegal Sentence Pursuant to Rule 60(b) (MKF) 5 pgs				
11/7/05	54) MEMORANDUM IN SUPPORT OF Motion for Relief. (MKF) 15 pgs				
11/9/05	55) ORDER BY Judge David S. Doty signed on 11/9/05; that plaintiff shall respond to said motion by 12/27/05. 1 pg (mkf) cc: AUSA & deft.				
11/9/05	*** File ordered from the record center.				
11/15/05	*** File received from the record center.;				
11/16/05	56) REASSIGNMENT OF CRIMINAL CASE - AUSA David J. MacLaughlin assigned. 1 pg (mkf)				

Interval
(per Section 111)

Start Date
End Date

Ltr. Total
Code Days

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

Sherman Ray Meirovitz

CR 3-88-111

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
12/27/05	57) GOVERNMENT'S RESPONSE TO DEFT'S MOTION FOR RELIEF FROM ILLEGAL SENTENCE PURSUANT TO RULE 60(b). 62pgs				
1/3/06	58) ORDER (Signed by Judge David S. Doty 1/3/06) that deft's Rule 60(b) motion for relief from an illegal sentence [Doc. No. 53] is denied. 2pgs Copy mailed to deft 1/6/06 and copy to AUSA 1/6/06. LEG				
1/17/06	59) PRO SE NOTICE OF APPEAL of this Court's Order of 1/3/06 Regarding Deft's Rule 60(b) Motion for Relief from Illegal Sentence by Sherman Ray Meirovitz. 1 pg (mkf) copies dist'd				
1/18/06	*** Transmission of Notice of Appeal, Order by DSD and certified Docket Sheet to USCA, St. Paul on 1/18/06				
1/18/06	*** Sent to USCA, St. Paul 1 volume (blue file) as to Sherman Ray Meirovitz. (mkf)				
4/13/06	60) United States Court of Appeals Judgment that the judgment of the district court is affirmed. 1pg LEG				

Interval
(per Section II)Start Date
End DateLtr. Total
Code Days